

1 CASE NO. 18-CV-0263

2 DEPT. NO. I

RECEIVED

FILED

OCT 18 2018

2018 OCT 18 PM 1:50

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

BY D. GOELZ DEPUTY

3  
4  
5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF DOUGLAS  
7  
8

9 KELLY D. STEPHENSON, an  
10 individual; and CHRISTINE  
STEPHENSON, an individual,

CIVIL COMPLAINT FOR NEGLIGENCE

11 Plaintiff,

12 vs.

13 GARDNER TRUCKING, INC., a  
California corporation; GARDNER  
14 TRUCKING INC., a Nevada  
corporation; JOSEPH P.  
15 HOLLINGSHEAD, an individual;  
and DOES 1 through 50,  
16 inclusive,

17 Defendants.  
18 \_\_\_\_\_/

19 COME NOW PLAINTIFFS, by and through their undersigned counsel,  
20 and file this Complaint against the above-named Defendants,  
21 averring and alleging as follows:

22 **PREFACE**

23 1. This case arises from Defendant JOSEPH P. HOLLINGSHEAD's  
24 negligence, negligence per se, and violation of NRS 484B.257, while  
25 in the course and scope of his employment for the other defendants.

26 **JURISDICTION AND PARTIES**

27 2. This case and controversy arises under the substantive  
28 laws of the State of Nevada.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4

5  
6  
7  
8  
9  
10  
11

12  
13  
14  
15  
16

17  
18  
19  
20  
21  
22  
23  
24  
25

## 26

## 27

28

1 incorporate same herein by reference, as though expressly set forth  
2 herein.

3 9. On January 4, 2018, at approximately 12:17 p.m., Defendant  
4 JOSEPH P. HOLLINGSHEAD, while in the course and scope of employment  
5 with one or more of the Defendants, failed to yield at the  
6 intersection of Industrial Way and U.S. Highway 395, in  
7 Gardnerville, Nevada.

8 10. Defendant JOSEPH P. HOLLINGSHEAD, thereby negligently  
9 collided the 2010 Freightliner Tractor Trailer he was driving into  
10 Plaintiff's trailer being towed at approximately 45 miles per hour  
11 by his 2015 Toyota Tacoma Pickup, causing the trailer to then crash  
12 into a 2007 Toyota Tundra Pickup.

13 11. In negligently failing to yield before entering the  
14 subject highway, Defendant violated NRS 484B.257 and was therefore  
15 negligent per se in causing the subject accident.

16 12. Defendant JOSEPH P. HOLLINGSHEAD was found by the Nevada  
17 Highway Patrol to be the only party at fault for causing the  
18 aforesaid accident.

19 13. By reason of the subject accident and negligence, as  
20 aforesaid, and as a direct and proximate result thereof, Plaintiff  
21 KELLY D. STEPHENSON received injuries consisting of, but not  
22 limited to, lumbar disk bulging; lumbar spondylolisthesis; lumbar  
23 spondylosis; lumbar radiculopathy; lumbar stenosis; and right foot  
24 drop. In addition to requiring physical therapy, these injuries  
25 required the following surgeries: posterior lumbar decompression  
26 with laminectomy, partial facetectomy, and foraminotomy at L4 and  
27 L5; posterior spinal fusion at L4-5; local autologous bone graft;  
28 and bone marrow aspiration of the left posterior ilium.

1        14. As a direct and proximate result of Defendants'  
2 negligence, as herein alleged, Plaintiff KELLY D. STEPHENSON was  
3 required to and did employ physicians and others for medical  
4 examination, treatment and care of his injuries, and did incur  
5 medical and incidental expenses, which shall be shown according to  
6 proof at the time of trial.

7        15. As a further, direct and proximate result of the  
8 Defendants' negligence, as herein alleged, the injuries thus  
9 received by Plaintiff KELLY D. STEPHENSON greatly impaired his,  
10 health, strength, and activity, and caused him great mental,  
11 physical, and nervous pain and suffering, and shock to his nervous  
12 systems, damaged his earning capacity and causing loss of wages,  
13 all in an amount, which shall be shown according to proof at the  
14 time of trial.

15                                    **SECOND CAUSE OF ACTION**

16                    **(Loss of Consortium Against all Defendants)**

17        16. Plaintiffs re-allege Paragraphs 1 through 15 and  
18 incorporate same herein by reference, as though expressly set forth  
19 herein.

20        17. By reason of the aforesaid negligence, as set forth  
21 herein, and as a direct and proximate result thereof, Plaintiffs  
22 KELLY D. STEPHENSON and CHRISTINE STEPHENSON, husband and wife,  
23 suffered and continue to suffer loss of consortium, society,  
24 companionship, and natural and physical affection, due to the  
25 injuries suffered in the accident.

26        WHEREFORE, Plaintiffs prays for judgment against the  
27 Defendants, and each of them, as follows:

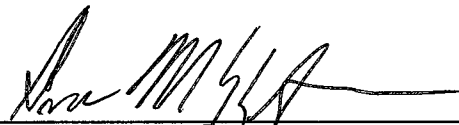
28        1. For damages in excess of \$15,000.00;

2. For punitive damages according to proof;
3. For reasonable attorney's fees and expenses;
4. For costs of investigation and litigation reasonably incurred;
5. For prejudgment interest;
6. For costs of suit herein incurred; and,
7. For such other relief as the court deems just and proper.

Dated: October 18, 2018

SULLIVAN LAW  
A Professional Corporation

By:

  
Gene M. Kaufmann

Attorneys for Plaintiffs

1625 State Route 88, #401  
Minden, NV 89423

Telephone: (775) 782-6915  
Telecopier: (775) 782-3439

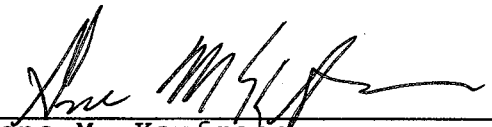
**AFFIRMATION PURSUANT TO NRS 239B.030**

I, Gene M. Kaufmann, affirm that the pleading(s) and/or document(s) that I am now presenting to the court in the above-entitled action, do not, to the best of my knowledge, contain any Social Security Number information that is in violation of NRS 239B.030.

Dated: October 18, 2018

SULLIVAN LAW  
A Professional Corporation

By:

  
Gene M. Kaufmann

Attorneys for Plaintiffs

1625 State Route 88, #401  
Minden, NV 89423

Telephone: (775) 782-6915  
Telecopier: (775) 782-3439